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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/714,704 | 11/17/2003 | Paul S. Wike | | 5401 |
| 23992 | 7590 | 06/23/2005 | | |
| LAW OFFICES OF MARK E WIEMELT, PC 10 SOUTH LASALLE STREET, STE. 3300 CHICAGO, IL 60603 | | | EXAMINER LE, MARK T | |
| | | | ART UNIT 3617 | PAPER NUMBER |

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,704

Applicant(s)

WIKE, PAUL S.

Examiner

Mark T. Le

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12, 14-17, 19-24, 26, 27, 34, 35 and 37-70 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12, 14-17, 19-24, 26 and 60-70 is/are allowed.
- 6) ☒ Claim(s) 34, 35 and 37-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the amendments filed on June 13, 2005. The Finality has been withdrawn in view of the new ground of rejection set forth below. Any inconvenience to Applicant's and his representative is regretted.

2. In claim 26, line 2 of part (e), "The steering component" lacks antecedent basis. It is suggested to be changed to -- the steering means --, which is the means for performing car body steering recited in part (d).

In the last line of part (d) of claim 34, note the "plates". It is not clear as to whether one of said plates is the "car body plate" recited in line 4 of part (d).

In the last line of claim 34, the period marking the end of the claim is missing.

In the last line of part (b) of claim 43, note the "plates". It is not clear as to whether one of said plates is the "car body plate" recited in line 3 of part (b).

The above noted problems may present confusions in the claims. Proper correction is required.

3. Claims 34-35 and 37-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wike (US 5,918,546) in view of Barber (US 875,565) and UK reference 2,091,660.

Wike discloses a linear steering truck apparatus similar to that recited in the instant claims, including means for performing car body steering; wherein, the geometries of pivot points in the forms of a parallelogram and a trapezoid are shown in Figure 28 of Wike.

Regarding the instant claimed side bearings, note for example the side bearings shown in Figures 2 and 5 of Barber. It would have been obvious to one skilled in the art to provide side bearings, e.g. similar to that taught by Barber, in the railway truck of Wike for enhancing load distributions and facilitating pivotal movement of the car truck relative to the car body.

Regarding the instant claimed rollers being provided with teeth, Applicant should consider rollers 10 of the UK reference being provided with interconnecting teeth. In view of the UK reference, it would have been obvious to one skilled in the art to further provide interconnecting teeth on the rollers of Wike, as modified, so as to facilitate proper movements of the rollers relative the associating plates thereof.

Regarding the instant claimed rollers being conical in shape, it is noted that the rollers of Barber appear to be conical as claimed.

4. Claims 8-12, 14-17, 19-24, 26 and 60-70 are allowable.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner
Art Unit 3617

mle
6/19/05